IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

TUESDAY, THE 16TH OCTOBER 2007 / 24TH ASWINA 1929

RPFC.No. 15 of 2003()

MC.103/1997 of FAMILY COURT, KOTTAYAM

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REVISION PETITIONER : COUNTER PETITIONER

SHAJAHAN (SHAJI)
S/O. MOHAMMED KUNJU, MUKELLUVILA VEEDU,
ADDAYAR, OOYOOR P.O., KOTTARAKKARA.

BY ADV. SRI.A.MOHAMMED
SRI.M.SAJJAD
SRI.M.MUHAMMED SHAFI

RESPONDENTS: PETITIONERS

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1. ZEENATH, AGED 30 YEARS,
D/O. ABDUL JABBAR, PATHIRIYATTU CHERUVILLA PUTHEN
VEEDU, KALAVAYAL MURI, OOOYUR P.O.,
VELLINALLOOR VILLAGE, KOTTARAKKARA.

2. SADIQUE, AGED 8 1/2 YEARS (MINOR)
REP.BY HIS MOTHER ZEENATH, DO. DO.

3. SIDDIQUE, AGED 7 YEARS (MINOR)
REP.BY HIS MOTHER ZEENATH, DO. DO.

4. SAHFEEK, AGED 5 1/2 YEARS (MINOR)
REP.BY HIS MOTHER ZEENATH, DO. DO.

5. STATE OF KERALA REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY ADV. SRI.SUNIL V.MOHAMMED
PUBLIC PROSECUTOR SRI.C.K.SURESH

THIS REV.PETITION(FAMILY COURT) HAVING BEEN FINALLY HEARD ON 16/10/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.R.UDAYABHANU, J

R.P.(FC) No.15 of 2003

Dated this the 16th day of October, 2007

O R D E R

The revision petitioner is the respondent/husband in M.C.103/97 filed by the first respondent/wife for maintenance of herself and three minor children aged 4½ years, 3 years and 1½ years respectively.

2. The allegations at the instance of the first petitioner/ wife includes misappropriation of gold ornaments and cash and ill treatment, torture and manhandling. It is alleged that he went to the Middle East three times after selling her gold ornaments. It is alleged that he squandered all the amounts. Right now, he is engaged in the business of hill produce and he is getting Rs.10,000/- per month. On the other hand, the counter petitioner/revision petitioner has denied the allegations. According to him, he had sent money from his work place abroad to his wife and the first petitioner purchased 12 cents of property and constructed a house making use of his money and in violation of the understanding she purchased the property in

the name of the first petitioner alone. It is alleged that the first petitioner owned 25 cents of property from which she gets an income of Rs.3,000/- per month. He has also expressed willingness to live with the counter petitioner.

3. The evidence adduced in the matter consisted of the testimony of PWs' 1 to 4, Cws' 1 to 5, Exts. A1 and A2 and Exts. B1 to B8.

4. The trial court after considering the evidence adduced in the matter ordered maintenance at the rate of Rs.300/- per month to the first petitioner, Rs.400/- to the second petitioner and Rs.300/- each to the third and fourth petitioners, the school going children, from the date of the petition. I find that as to the allegations of ill treatment by the counter petitioner and as to the allegations against the father of the petitioner raised by the counter petitioner etc. the only evidence is the interested version of the respective parties and the oral evidence of the supporting witnesses. The Family Court found that the offer to live with the petitioner advanced by the counter petitioner is only the result of after thought to avoid the liability to pay maintenance. The court has found that it is the counter petitioner who triggered the

quarrel in between the parties. It was also found that he has not paid any maintenance even to the children since the date of separation. I find that the amounts ordered to be paid as maintenance is meagre. In the circumstances, I find that no interference is called for in the order of the court below.

The revision petition is dismissed.

K.R.UDAYABHANU,
JUDGE

csl